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09/749,303	12/27/2000	Jeffrey Chan	243768021US	5430

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EXAMINER

STEVENS, THOMAS H

ART UNIT PAPER NUMBER

2123

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,303

Applicant(s)

CHAN ET AL.

Examiner

Thomas H. Stevens

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13, 15-25, 27-32 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15-25, 27-32, 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.


## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐   
**WILLIAM THOMSON**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 7, 14, 26 and 33 were cancelled.
2. Claims 1-6, 8-13, 15-25, 27-32, 34-41 were examined.

#### ***Section I: Reopening Prosecution***

In view of interview conducted on 11/17/05, the finality of previous office action has been withdrawn and a non-final office action is set forth.

#### ***Section II: Non-Final Rejection (5th Office Action)***

##### ***Claim Interpretation***

3. Office personnel are to give claims their "**broadest reasonable interpretation**" in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See \*also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow") .... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed .... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process. The examiner has not afforded patentable weight to claims 9, 16, 27 because of their lack of utility, by which is

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decorative and non-functional (see *In re King*, 801, F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986)).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6, 13, and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The term "average performance" in claims 6, 13, and 25 is a relative term, which renders the claim indefinite. The term average performance is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention since the limitation is boundless for one to interpret.

***Claim Rejections - 35 USC § 103***

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventors and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-6, 8, 9, 11-13, 15-18, 20-25, 27-29, 31-32, 34-40 are rejected under 35 U.S.C. 103(a) as being obvious by Juniper "Pilot-Scale Evaluation of Australian Thermal Coal for Combustion and Gasification" 1998 in view of by Reed et al. ("Developing Interactive Education Engineering Software for the World Wide Web with Java" ACM, 1998).

Juniper teaches a pilot-scale facilities that are in operation for thermal coal evaluation to evaluate combustion (pg. 42, left column, last paragraph), including simulation of a turbine gas simulator; but fails to teach specified performance criteria with Internet/Web access. Reed et al. teaches a gas installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") simulation system which utilizes the Java language environment software across the Internet (abstract).

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify Juniper by way of Reed since it would be advantageous to remove incompatibilities between computer systems, resulting in an "explosion of accessibility" (Reed: pg. 1, Introduction section, lines 2-3)

Claim 1: A method in a computer system for determining performance of a installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: abstract), the method comprising: receiving from a user an identification of a installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: pg. 3, left

column, paragraph 1); retrieving configuration information for the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") ; determining current performance characteristics of the installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Kita: figure 1 and figure 24 (block 32)) based on the retrieved configuration information; sending to the user a display page for displaying the determined current performance characteristics (Reed: pg.6, right column, paragraph 4; and pg.7 left column, first paragraph); receiving from the user an indication of a modification to the configuration of to the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") ; determining future performance characteristics of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") based on the indicated modification to its configuration; and sending to the user a display page for displaying the determined future to performance characteristics (Reed: pg. 4, "Conduction the Simulation" section, 1<sup>st</sup> paragraph, lines 6-7 with figure 1).

Claim 2: The method of claim 1 wherein the determining of the current performance characteristics includes simulating the current performance characteristics based on various readings collected from the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas

turbine simulator”) (Reed: pg. 3, left column, Analysis Mathematical Model, lines 18-21).

Claim 3: The method of claim 2 wherein the simulating of the current performance characteristics includes estimating fuel (Reed: pg. 4, figure 1, GUI Hierarchy, Control Volume Dialog-Fuel Source Dialog) flow by repeatedly simulating the current performance characteristics with a varying fuel flow until a desired combustor efficiency is achieved (Reed: pg. 7, left column, second paragraph).

Claim 4: The method of claim 1 wherein the determining of the current performance characteristics includes adjusting initial performance characteristics based on length of time the identified installed turbine (Juniper, pg. 46, “Gas Turbine Simulator” with pg. 45, “HRL coal fired gas turbine simulator”) has been in operation (Reed: pg.7, left column, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs).

Claim 5: The method of claim 1 wherein the determining of the current performance characteristics includes measuring the performance characteristics of the installed turbine (Juniper, pg. 46, “Gas Turbine Simulator” with pg. 45, “HRL coal fired gas turbine simulator”) (Reed: pg.7, left column, 2<sup>nd</sup>).



Claim 6: The method of claim 1 wherein the display page includes an indication of average performance characteristics for other installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") s (Reed: pg. 8, figure 7).

Claim 8: The method of claim 1 wherein the display page includes a graph illustrating performance characteristics (Reed: pg. 7, figure 7).

Claim 9: The method of claim 8 wherein the graph includes a background with colors that transition from a shade of red to a shade of yellow to a shade of green (Reed: pg. 5, right column, Engine Schematic Layout Window, lines 6-7).

Claim 11: A method in a computer system for determining performance of a Installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: abstract), the installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") having a configuration, the method comprising: simulating a current performance characteristic based on various readings collected from an identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") ; receiving from a user an indication of a modification to the configuration of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") ; determining a

future performance characteristic of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") based on the indicated modifications to its configuration; and sending to the user a display page for displaying the determined future to performance characteristic (Reed: pg. 3, Java Gas Installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") Simulation Software and Analysis Mathematical Model).

Claim 12: The method of claim 11 wherein the simulating of the current performance characteristic includes estimating fuel flow by repeatedly simulating the current (Reed: pg. 4, figure 1, GUI Hierarchy, Control Volume Dialog-Fuel Source Dialog) performance characteristic with a varying fuel flow until a desired combustor efficiency (Reed: pg. 4, GrControl Volume Icon, Combustor Icon) is achieved.

Claim 13: The method of claim 11 wherein the display page includes an indication of an average for the performance characteristic for other installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") s (Reed: pg. 8, figure 7).

Claim 15: The method of claim 11 wherein the display page includes a graph illustrating performance characteristics (Reed: pg. 8, figure 7).

Claim 16: The method of claim 15 wherein the graph includes a background with colors that transition from a shade of red to a shade of yellow to a shade of green (Reed: pg. 5, right column, Engine Schematic Layout Window, lines 6-7).

Claim 17: The method of claim 11 wherein the display page is a web page (Reed: abstract).

Claim 18: The method of claim 11 wherein the display page is sent via the Internet (Reed: abstract).

Claim 20: A method in a computer system for displaying a performance characteristic of a installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") , the method comprising: sending an identification of a installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") ; and receiving a display page indicating a performance characteristic of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") relative to the said performance characteristic for other installed turbines (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: abstract).

Claim 21: The method of claim 20 including sending an indication of a modification (Reed: pg.7, right column, Transcript Window, lines 1-4;and figure 6) to the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") ; and receiving a display page indicating the performance characteristic of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") with the indicated modification.

Claim 22: The method of claim 20 wherein the display page includes financial Information elating to possible modifications to the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: pg.7, right column, Transcript Window, lines 1-4;and figure 6).

Claim 23: The method of claim 20 wherein the performance characteristic of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") is displayed as a graph (Reed: pg. 7, figure 7).

Claim 24: The method of claim 23 wherein the graph indicates the performance characteristic for other installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") s (Reed: pg. 7, figure 7).

Claim 25: The method of claim 24 wherein the graph includes an indication of an average performance characteristic for other installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") s (Reed: pg. 7, figure 7).

Claim 27: The method of claim 23 wherein the graph includes a background with colors that transition from a shade of red to a shade of yellow to a shade of green (Reed: pg. 5, right column, Engine Schematic Layout Window, lines 6-7).

Claim 28: A computer-readable medium containing instructions for controlling a computer system to determine a performance characteristic of a installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") , the installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") having a configuration, by a method comprising: simulating a current performance characteristic based on various readings collected from an identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: abstract); receiving an indication of a modification to the configuration of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: pg.6, right column, paragraph 4); and determine a future performance characteristic, if the identified installed

turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") based on the indicated modifications to its configuration.

Claim 29: The computer-readable medium of claim 28 wherein the simulating of the current performance characteristic includes estimating fuel flow by repeatedly simulator (Reed: pg. 4, figure 1, GUI Hierarchy, Control Volume Dialog-Fuel Source Dialog) the current performance characteristic by varying fuel flow until a desired combustor efficiency is achieved.

Claim 31: The computer-readable medium of claim 28 including sending a display page for displaying the determined future performance characteristic (Reed: pg. 7, figure 7).

Claim 32: The computer-readable medium of claim 31 wherein the display page includes an indication of an average for the performance characteristic for other installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") s (Reed: pg. 7, figure 7).

Claim 34: The computer-readable medium of claim 31 wherein the display pages includes a graph illustrating the performance characteristics (Reed: pg. 7, figure 7).

Claim 35: The computer-readable medium of claim 34 wherein the graph includes a background with colors that transition from a shade of red to a shade of yellow to a shade of green (Reed: pg. 5, right column, Engine Schematic Layout Window, lines 6-7).

Claim 36: The computer-readable medium of claim 31 wherein the display page is a web page (Reed: abstract).

Claim 37: The computer-readable medium of claim 31 wherein the display page is sent via the Internet (Reed: abstract).

Claim 38: A computer system for determining a performance characteristic of a Installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") , the installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") having a configuration, comprising (Reed: abstract): means for receiving an indication of a modification to the configuration of an identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: pg.6, right column, paragraph 4); and means for determining a future performance characteristic of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") based on the indicated modifications to its configuration.

Claim 39: The computer system of claim 38 including: means for simulating a current performance characteristic based on various readings collected from the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") (Reed: pg. 7, left column, Graphing Windows, 1<sup>st</sup> paragraph).

Claim 40: The computer system of claim 39 wherein the means for simulating the current performance characteristic includes means for estimating fuel flow by repeatedly simulating (Reed: pg. 4, figure 1, GUI Hierarchy, Control Volume Dialog-Fuel Source Dialog) the current performance characteristic by varying fuel flow until a desired combustor (Reed: pg. 4, GUI Hierarchy, GrControl Volume Icon, Combustor Icon) efficiency is achieved.

9. Claims 10,19,30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juniper "Pilot-Scale Evaluation of Australian Thermal Coal for Combustion and Gasification" 1998 in view of Reed et al. ("Developing Interactive Education Engineering Software for the World Wide Web with Java" ACM, 1998) and in further view of Kita et al.(U.S. Patent 5,886,895 (1999)). Juniper teaches a pilot-scale facilities that are in operation for thermal coal evaluation to evaluate combustion (pg. 42, left column, last paragraph), including simulation of a turbine gas simulator; but fails to teach specified performance criteria with Internet/Web access nor financials.



Reed et al. teaches a gas installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") simulation system which utilizes the Java language environment software across the Internet (abstract); but doesn't teach financials.

Kita et al. teaches calculating optimum operation parameters of a boiler-installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") -generator (BTG), while taking into account cost (abstract and figure 1 (blocks 71-73)).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use Kita et al. and Reed et al. to modify Juniper since it would have been advantageous to optimize[ing] a method for calculating optimum operation parameters of a power generation plant including a plurality of boilers, a plurality of turbines operated by steams generated from the boilers and generators driven by the respective turbines to generate electric power in which the electric power is supplied to electric power loads while the steams generated from the respective turbines are supplied to steam loads via a plurality of turbine discharge systems (Kita: column 4, 37-46); and to remove incompatibilities between computer systems, resulting in an "explosion of accessibility" (Reed: pg. 1, Introduction section, lines 2-3)

Claim 10: The method of claim 1 including receiving financial information (Kika: figure 1, (blocks 71,76)) relating to operation of the identified installed turbine

(Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") and estimating revenue generated from the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") with the indicated modification (Reed: pg.6, right column, paragraph 4; and pg.7 left column, first paragraph).

Claim 19: The method of claim 11 including receiving financial information (Kika: figure 1, (blocks 71,76)) relating to operation of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") and estimating revenue generated from the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") with the indicated modification (Reed: pg.6, right column, paragraph 4; and pg.7 left column, first paragraph).

Claim 30: The computer-readable medium of claim 28 including receiving financial information (Kika: figure 1, (blocks 71,76)) relating to operation of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") and estimating revenue generated from the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") with the indicated modification (Reed: pg.6, right column, paragraph 4; and pg.7 left column, first paragraph).

Claim 41: The computer system of claim 38 including means for receiving

financial information (Kika: figure 1, (blocks 71,76)) relating to operation of the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") and means for estimating revenue generated from the identified installed turbine (Juniper, pg. 46, "Gas Turbine Simulator" with pg. 45, "HRL coal fired gas turbine simulator") with the indicated modification (Reed: pg.6, right column, paragraph 4; and pg.7 left column, first paragraph).

***Section III: Response to Applicants Arguments (4th Office Action (Final))***

***102(a) with 1.131 Declaration***

10. Per agreement set for from the interview on 11/23/05 between the Office and applicants, the 102(a) rejection has been withdrawn. However, upon further consideration, new grounds of rejection is set forth by way of Juniper in view of Reed and Kita.

***Citation to Relevant Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Afjeh et al., "Development of an Intelligent Monitoring and Control System for a Heterogeneous Numerical Propulsion System" (1995) (hereafter Afjeh): teaches a computer simulation to facilitate new jet engines (abstract).
- Torres et al., "Experimental Investigation of Combustion Instabilities in a Gas Turbine Combustor Simulator" AIAA. 1999. pg. 1-10 teaches the results of an experimental investigation of the mechanisms responsible for maintaining combustion.

- Chang et al., "Development of a Wind Turbine Simulator for Wind Energy Conversion Systems" IEEE 2000 pg. 555-554 teaches a wind turbine simulator for wind energy conversion system is developed with a view to design implement an actual wind turbine controller.
- US Patent 4,189,939 teaches a compact apparatus for simulating the in-flight aerodynamic performance of a multimission aircraft.

### ***Correspondence Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Leo Picard ((571) 272-3749). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

December 26, 2005

TS

  
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